

60,469-193
OT-5003**REMARKS**

Applicants thank the Examiner for the remarks and analysis contained in the Office Action. Claim 19 has been amended to include the subject matter previously presented in claim 21. Claim 21 is cancelled. Claim 33 has been amended to include the subject matter previously presented in claim 37. Claim 37 has been cancelled. Applicants respectfully request reconsideration of this application.

Given the amendments to claims 19 and 33, the only grounds of rejection that needs to be addressed from the previous Office Action is the rejection under 35 U.S.C. §103 based upon *Toshiyuki, et al.* combined with *Hakola* as that was applied against claims 21 and 37 in the most recent Office Action. There is no *prima facie* case of obviousness against either of claims 19 or 33 for the following reasons.

First, in order to interpret the *Toshiyuki, et al.* reference when asserting that previously presented claims 21 and 37 were obvious, the Examiner takes the position that the plate 22 and walls 8A are the same as the claimed support base. Applicants already pointed out (in the recently filed Request for Pre-Appeal Brief Review) that such an interpretation is inconsistent with the limitations on the claimed support base.

As already explained by Applicants, the plate 22 and the walls 8A of *Toshiyuki, et al.* cannot be considered together to constitute a support base that is consistent with the support base of Applicants' claims. The projecting walls 8A are not part of a support base as that term is defined in claims 19 and 33. The claimed support base is "distinct from the roof surface" and "supports the machine assembly." Being distinct from the roof surface requires that it be a distinct, separate structure that is not part of the roof. The walls 8A in *Toshiyuki, et al.* are part of the ceiling 8 (i.e., are not distinct from the roof). Additionally, the walls 8A do not support the machine assembly 14. Therefore, the walls 8A cannot reasonably be interpreted as being part of a support base as that term is used in Applicants' claims.

When attempting to reject the subject matter now included in claims 19 and 33, the Examiner stated, "*Toshiyuki, et al.* discloses the support base 22 includes a first generally planar surface and a plurality of side portions 8A extending away from the surface 8." As Applicants have already explained, *Toshiyuki, et al.*'s plate 22 and walls 8A cannot be combined together to be the same as Applicants' support base because that combination cannot satisfy all of the limitations concerning Applicants' claimed support base. If *Toshiyuki, et al.*'s

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walls 8A are considered part of a support base, then that support base would no longer be distinct from the roof. Including the projecting walls 8A into a hypothetical "support base" requires that part of such a support base not be distinct from the roof. In other words, the Examiner has to reply upon the walls 8A of *Toshiyuki, et al.* in an attempt to interpret that reference to be consistent with Applicants' claimed support base. That interpretation is unreasonable because the walls 8A are not distinct from the roof in the *Toshiyuki, et al.* reference.

Therefore, even if the combination of *Toshiyuki, et al.* and *Hakola* were possible, the result is not the same as Applicant's claimed invention because the proposed combination does not include a support base as recited in Applicants' claims. The rejection under 35 U.S.C. §103 of the subject matter in claims 19 and 33 must be withdrawn.

Applicant respectfully submits that this case is in condition for allowance.

Respectfully submitted,

Carlson, Gaskey & Olds

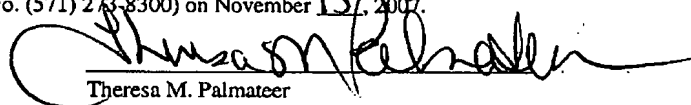


David J. Gaskey
Reg. No. 37,139
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: November 15, 2007

CERTIFICATE OF FACSIMILE

I hereby certify that this Response, relative to Application Serial No. 10/520,756, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on November 15, 2007.


Theresa M. Palmateer

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